

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: PAUL C. McAFEE, M.D.

Filing Date: August 21, 2003

For: METAL-BACKED UHMWPE ROD SLEEVE SYSTEM PRESERVING SPINAL
MOTION

DECLARATION AND POWER OF ATTORNEY (SOLE INVENTOR)

As the above named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original and first inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

METAL-BACKED UHMWPE ROD SLEEVE SYSTEM PRESERVING SPINAL MOTION
the specification of which is being filed herewith.

I hereby state that I have reviewed and understand the contents of the above identified specification, including claims.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, 1.56(a) and understand that information is material to patentability as defined in Title 37, Code of Federal Regulations, 1.56.

I do not know and do not believe this invention was ever known or used in the United States of America before our invention thereof, or patented or described in any printed publication in any country before my invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application, and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns.

And I hereby appoint Max Stul Oppenheimer, Registration No. 33,203 my attorney with full power of substitution and renovation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and direct that all correspondence be forwarded to:

Max Stul Oppenheimer
P.O. Box 50
Stevenson, MD 21153
(410) 633-8133 ext. 1093

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of inventor: PAUL C. McAFEE, M.D. Citizenship: US

Inventor's signature _____ Date: _____

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Serial No.: Art Unit: Examiner:

STATEMENT CLAIMING SMALL ENTITY STATUS

I hereby declare that the above-referenced application qualifies for Small Entity Status for purposes of paying reduced fees to the Patent and Trademark Office.

I acknowledge the duty to file, in this application or patent, notification or any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate.

I further acknowledge that willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this statement is directed.

PAUL C. McAFEE, M.D.

NAME OF INVENTOR

SIGNATURE OF INVENTOR

DATE